| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/527,116 | 03/08/2005 | Ronaldus Maria Aarts | BAI525-244/08261 | 9525 |

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| EXAMINER |
|---|
| BORROMEO, JUANITO C |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>19 January 2008</u>.

2a)☐ This action is **FINAL**.            2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 March 2005</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
7/31/2008 has been entered.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show
every feature of the invention specified in the claims. Therefore, the method of
"automatically adjusting a presentation rate in claim 1" must be shown or the feature(s)
canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in
reply to the Office action to avoid abandonment of the application. Any amended
replacement drawing sheet should include all of the figures appearing on the immediate
prior version of the sheet, even if only one figure is being amended. The figure or figure
number of an amended drawing should not be labeled as "amended." If a drawing figure
is to be canceled, the appropriate figure must be removed from the replacement sheet,
and where necessary, the remaining figures must be renumbered and appropriate
changes made to the brief description of the several views of the drawings for
consistency. Additional replacement sheets may be necessary to show the renumbering
of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.


### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barton et al. (U.S. Pat. No. 6233389), hereinafter after referred to as Barton' 389.

Referring to claim 1, Barton' 389 discloses a method of content presentation

comprising the steps of:

receiving (fig. 1, input module) a content signal (fig. 1, input stream) from a

content source (col. 3, lines 34 – 38, TV input streams);

deriving (fig. 1, media switch) a content indicator (fig. 5) from a content analysis

(fig. 4, note parsed data) of the content signal (fig. 1, input stream); and

adjusting (col. 3, lines 28 - 29) a presentation rate (col. 3, lines 28 – 29, i.e.

fast/slow play and etc.) of the content signal (fig. 1, input stream) in response to the

content indicator (fig. 5).

However, Barton does not explicitly disclose automatically adjusting a

presentation rate of the content signal in response to the content indicator.

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to automate the manual adjustment of the presentation rate of the content signal

in response to the content indicator to avoid unwanted content to be saved in the hard

disk 105. See making automatic - *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA

1958).


As to claim 2, Barton' 389 discloses a method as claimed in claim 1 wherein step

of adjusting further comprises adjusting the presentation rate (col. 3, lines 28 – 29, i.e.

fast/slow play and etc.) in response to a user preference profile (col. 11, lines 17 – 21,

user creates custom sequence of video output).


As to claim 3, Barton' 389 discloses a method as claimed in claim 2 wherein the

user preference profile (col. 11, lines 17 – 21, user creates custom sequence of video

output) is determined in response to a previous user behaviour (col. 11, lines 17 – 21,

user creates custom sequence of a recorded videos, which is created prior to a show or

the like).


As to claim 4, Barton' 389 discloses a method as claimed in claim 2 wherein the

user preference profile (col. 11, lines 17 – 21, user creates custom sequence of video

output) is determined in response to a user input (col. 2, lines 33, user input, i.e. commands for fast/slow play and etc.).

As to claim 5, Barton' 389 discloses a method as claimed in claim 1 wherein the step of adjusting the presentation rate (col. 3, lines 28 – 29, i.e. fast/slow play and etc.) comprises selection between a first presentation rate (col. 3, lines 28 – 29, fast forward) and at least a second presentation rate (col. 3, lines 28 – 29, play).

As to claim 6, Barton' 389 discloses a method as claimed in claim 5 wherein the first presentation rate (col. 3, lines 28 – 29, i.e. fast/slow play and etc.) is a fast forward rate (col. 3, lines 28 – 29, fast forward) and the second presentation rate is a substantially real time presentation rate (col. 3, lines 28 – 29, play).

As to claim 7, Barton' 389 discloses a method as claimed in claim 5 wherein at least one presentation rate is a reverse time presentation rate (col. 3, lines 28 – 29, reverse).

As to claim 8, Barton' 389 discloses a method as claimed in claim 1 further comprising:

the step of recording  the content signal (fig. 1, input stream) on a storage medium (fig. 1, hard disk 105), and

wherein the step of receiving (fig. 1, input module) the content signal (fig. 1, input stream) comprises receiving the recorded content signal from the storage medium (fig. 1, output module shows a method of receiving the recorded content from the storage medium), and the step of deriving (fig. 1, media switch) the content indicator (fig. 5) is performed in association with the step of recording the video signal (fig 6, discloses a method of deriving in association with recording video signals).

As to claim 9, Barton' 389 discloses a method as claimed in claim 1 wherein the step of deriving (fig. 1, media switch) the content indicator (fig. 5) comprises analysing content information data (fig. 5 shows a method of analysing address, type, and time stamp) associated with the content signal.

As to claim 10, Barton' 389 discloses a method of content presentation as claimed in claim 1 wherein the content signal is a video signal (col. 3, lines 34 – 38, TV input streams).

As to claim 11, Barton' 389 disclose a method as claimed in claim 10 wherein the content source is a video signal storage medium (col. 3, lines 34 – 38, DBS, DSS, ATSC).

As to claim 12, Barton' 389 discloses a method as claimed in claim 11 wherein the content source (col. 3, lines 34 – 38, TV input streams) is a video broadcast source (col. 3, lines 34 – 38, PAL broadcast).

As to claim 13, Barton' 389 discloses a method as claimed in claim 1 wherein the content signal (fig. 1, input stream) is a multimedia signal (col. 3, lines 34 – 38, DSS).

As to claim 14, Barton' 389 discloses a method as claimed in claim 1 wherein the content signal (fig. 1, input stream) is a text signal (col. 3, line 58, Close Caption).

As to claim 15, Barton' 389 discloses a method as claimed in claim 1 wherein the content signal (fig. 1, input stream) is an audio signal (col. 3, lines 34 – 38, DBS).

As to claim 16, Barton' 389 discloses the set of instructions operable to carry out a method according to claim 1 (col. 8, line 9, TiVo Media Kernel).

Referring to claim 17, Barton' 389 discloses an apparatus for content presentation comprising:

a receiver (fig. 1, input module) for receiving a content signal from a content source;

a processor (fig. 1, CPU) for deriving a content indicator from a content analysis of the content signal; and

a controller (fig. 1 media switch 102) for adjusting a presentation rate of the content signal in response to the content indicator.

However, Barton does not explicitly disclose for automatically adjusting a presentation rate of the content signal in response to the content indicator. At the time of the invention, it would have been obvious to one of ordinary skill in the art to automate the manual adjustment of the presentation rate of the content signal in response to the content indicator to avoid unwanted content to be saved in the hard disk 105. See making automatic - *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

As to claim 18, Barton' 389 discloses an apparatus as claimed in claim 17 wherein the apparatus is a video signal playback apparatus (video playback apparatus of fig. 1) and the content signal is a video signal (col. 3, lines 34 – 38, TV input streams).

As to claim 19, Barton' 389 discloses an apparatus as claimed in claim 18 wherein the apparatus is a video recorder unit further comprising a recording controller operable to record the video signal (col. 3, lines 34 – 38, TV input streams) on a storage medium (fig. 1, hard disk).

### *Response to Arguments*

Applicant's arguments filed 7/31/2008 have been fully considered but they are
not persuasive.

Applicant's invention is directed towards filtering the available content and quickly
identifies content of specific interest and relevance to the individual user. For example,
a method of automatically fast-forwarding commercials, previews, station ID, news
flashes and the like in order to skip unwanted content.

Barton (also well known as TiVo), the applied prior art, is directed towards
allowing users to store selected television broadcast programs while the user is
simultaneously watching or reviewing another program. Barton allows "the program logic or
user to create custom sequences of video output. Any number of video segments can be lined
up and combined as if the grogram logic or user were using a broadcast studio video mixer"
(Column 11, lines 17 - 21). Therefore, a presentation rate can be adjusted base on many
different content indicators.

However, Barton does not explicitly disclose the method of "automatically adjusting a
presentation rate of the content signal in response to the content indicator." Barton's system
does, however, is capable of adjusting the presentation rate of the content signal in response to
the content indicator as mapped in the previous office action. Since automating a manual
activity, would have been obvious to one of ordinary skill in the art, see *In re Venner*, 262 F.2d
91, 95, 120 USPQ 193, 194 (CCPA 1958). Examiner changes the 102 rejection into 103, but
maintains the applied art.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUANITO C. BORROMEO whose telephone number is (571)270-1720. The examiner can normally be reached on Mon-Fri, 8:30 AM - 5:00 PM, ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Tsai can be reached on 571 272 4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Juanito C Borromeo III/
Examiner, Art Unit 2184

/Reginald G. Bragdon/
Supervisory Patent Examiner, Art Unit 2189